

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID GEORGE BAUGH,)
Plaintiff,)
v.)
MISSOURI DEPARTMENT OF)
CORRECTIONS, et al.,)
Defendants.)

No. 4:08CV01517 ERW

MEMORANDUM AND ORDER

Before the Court are plaintiff's motion for reconsideration of the Court's Order of Dismissal, as well as a motion for injunctive relief. For the following reasons, plaintiff's motions will be denied.

Plaintiff filed this action on October 22, 2008 alleging violations of his civil rights in conjunction with his recent arrest and subsequent revocation of his parole. On October 21, 2008, the Court denied plaintiff's motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g), noting that he had at least three previous cases that had been dismissed as frivolous. The Court additionally noted that plaintiff had made no allegations that he was under imminent danger of serious physical injury, thus, his case was subject to dismissal.

Plaintiff requests reconsideration of the Court's dismissal, alleging that he is subject to physical harm during his incarceration because he is "an older American man, age 65, with a chronic heart condition, subject to stroke, heart attack or

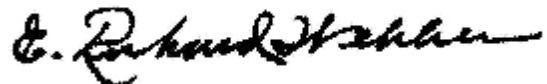
premature death because of [his] imprisonment..." On this same basis, plaintiff requests injunctive relief. Plaintiff's ill-health claims fall short of the "imminent danger" requirement needed to overcome the "three strikes" rule, given that the substantive nature of his complaint has no connection with his current conclusory claims of ill-health.¹ 28 U.S.C. § 1915(g).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration of the Order of Dismissal [Doc. #9] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's post-dismissal motion for injunctive relief [Doc. # 8] is **DENIED**.

So Ordered this 5th Day of November, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

¹The Court additionally notes that plaintiff admits that he has been offered treatment for his medical conditions, but states that he disagrees with the offered treatment. See Brown v. Beard, 492 F.Supp.2d 474 (E.D. Pa. 2007) (finding that prisoner was not in imminent danger of serious physical injury, as required to proceed in forma pauperis after having three or more prior actions dismissed as frivolous, when prisoner did not dispute that he was receiving medical attention for high blood pressure, low blood sugar and high cholesterol, but merely disputed findings and quality of treatment he was receiving).